

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Adjourned Meeting
June 27, 2000

6:30 p.m.

Meeting Convened. An Adjourned Meeting of the York County Board of Supervisors was called to order at 6:33 p.m., Tuesday, June 27, 2000, in the East Room, York Hall, by Chairman Walter C. Zaremba.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zaremba, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Melanie L. Rapp.

Also in attendance were Daniel M. Stuck, County Administrator; and James E. Barnett, County Attorney.

WORK SESSION

PERFORMANCE/EFFICIENCY AUDIT

Chairman Zaremba indicated that ever since Mr. Bowen of IMPAC made his presentation to the Board, the Board had been wrapped up in many other matters, and the issue of a performance/efficiency audit has not been one of the Board's top priorities. He indicated that about a month ago he received another package of information from Mr. Bowen's replacement, but noted he had not had time to look at it closely. Mr. Zaremba suggested that the Board leave this matter tabled for the time being.

Mr. Burgett stated he would like to see an internal audit done with the goal of saving a certain percentage of tax dollars. He cited Charlottesville as an example where internally the city was able to save the taxpayers money. He stated he felt it would be better than hiring an outside agent.

Mrs. Noll expressed her agreement with Mr. Burgett's suggestion.

Miss Rapp stated she would be interested in reading the article on Charlottesville that Mr. Burgett cited, and she agreed with Mr. Zaremba to leave the issue tabled at this time. She also stated she liked Mr. Burgett's idea of an internal audit.

Mr. Wiggins stated he felt it was a good idea to conduct an audit with an outside agency. He indicated he had used an agency to have an audit done in his business, and it saved him a lot of money.

Mrs. Noll indicated she could readily see where such an audit would apply well to a manufacturing company, but perhaps not as well for government. She stated that many times the staff came to the Board telling about cost savings measures that had been instituted, but the County staff doesn't blow its own horn often enough. Many times cost savings measures were taken that the Board was not made aware of—they were just done.

Chairman Zaremba suggested that staff investigate to see if the City of Charlottesville had a model on how it conducted its internal audit.

Mr. Stuck indicated there was a wide variety of programs being used in many jurisdictions. He noted that the Board many years ago instituted an organizational program whereby each department conducted its projects in such a way to save as much as possible, and the Board would reappropriate those savings back to the departments. There have been several savings initiatives that have saved the County many dollars such as the telephone system, going self-insured on Workers Compensation and with the County's health insurance program. Mr. Stuck indicated these initiatives were taken, but staff did not catalog them in the annual report.

Mr. Burgett stated the County needed to let the citizens know how much the staff was saving them.

Mr. Stuck indicated it was his understanding that the Board wanted staff to develop some sort of reporting program.

Chairman Zaremba indicated Mr. Stuck was correct, but to also let the Board know if the request was a burden.

Mr. Stuck stated the staff would apprise the Board of what kinds of programs were available.

Mrs. Noll asked that staff provide the cost for such programs also.

UPDATE ON THE WALTRIP DEVELOPMENT AND BORROW PIT

Mr. Stuck briefly reviewed the update on the construction of the lake on the Waltrip property off of Fenton Mill Road in conjunction with the building permit obtained for the construction of a 4,300 square foot single-family residence on a 115-acre parcel.

Discussion followed on the design of the lake.

Chairman Zaremba asked what Mr. Waltrip had done to be a good neighbor, stating he had infuriated the neighboring community. The neighbors had put up with a massive movement of dirt, and the only thing constructed so far was a cinderblock foundation and a hole that was supposed to be a lake. He asked why the County has allowed him to continue to do this for no one's benefit except his own, and why the County should reward him by reducing requirements relative to his development. He noted that it was the County's desire to see more efficiency in moving water in that area, and the Board would consider the requested reductions in requirements; but he would hope that this Board would keep the citizens in mind when making its decision on this matter. Very few citizens were aware that it was Mr. Waltrip's intention to build a subdivision now rather than just a home and a lake. Mr. Zaremba then spoke of the dump trucks of dirt being removed from the project, asking if the County had ever monitored where they went. He stated he would bet there were projects other than the flyover where this dirt was going.

Mr. Stuck indicated he had received a complaint from one individual, and staff had been corresponding with the gentleman to keep him updated. He stated the comments he had received had more to do with why the trees had been allowed to be taken down which was a call staff routinely got on each development project. He noted that it was not uncommon to include

a lake in a development for stormwater retention, and staff felt the lake was better than a 2-acre retention pond. Mr. Stuck then stated he was not satisfied that Mr. Waltrip had moved along in good faith on building the house, but it was hard to draft regulations to cover every instance. The lake was now done, and it was now time for him to complete the house.

Chairman Zaremba asked how long would Mr. Waltrip be given to complete the house.

Mr. Stuck indicated he would be given a 60-day window to make substantial progress on the house, and then the staff would go to court for an injunction if he had not done so.

Miss Rapp asked Mr. Zaremba how many complaints he had received.

Chairman Zaremba indicated he had received innumerable complaints concerning the truck traffic and about the health issue regarding the dust. He noted the noise had been a nuisance to many of the area residents. He also received a number of calls because people perceived Mr. Waltrip was trying to get something from the County that he was not entitled to receive. Mr. Zaremba stated it had been a very frustrating situation for many citizens, and the County may wish to review some of its development regulations.

Mr. J. Mark Carter, Assistant to the County Administrator, indicated staff would be looking at the appropriate size for a lake in relation to a residence. The current ordinance did not provide a limit.

Mr. Burgett noted that staff couldn't tweak every ordinance just because somebody found a way to get around it because then the citizens would have more government than they needed.

FUNDING OF THE ZWEIBRUCKEN STUDENT EXCHANGE PROGRAM

Mr. Stuck reviewed the briefing document provided to the Board members concerning accounting for the exchange program.

Chairman Zaremba stated that in terms of the students, the School Division was where the County's education programs were placed. He asked why was the County involved in funding the program when it seemed more rationally related to the School Division. The program should be an educational experience for which the School Division was responsible.

Mrs. Noll stated she felt any time a child was offered some experience for growth it was important. She stated she would like to see German majors in the program or at least French or Spanish majors. American families have to be willing to house a German student for a time period which was a part of the exchange criteria. As far as the program being the responsibility of the School Division or the County, Mrs. Noll stated a fund should be designated for the program so that it could not be used as a political tool. She stated she felt the funding should be left in the County budget with the mechanics of the program left to the School Division.

Miss Rapp recommended when Board liaison appointments were made that Chairman Zaremba be the Board's liaison for the program. She noted that she had talked to Dr. Gant who had given her a lot of background information on the program's history, and that many people thought it was a trip only for those who could afford it. She indicated that was not the case, that students from different financial abilities had been in the program. Miss Rapp stated she felt the funding for the program should stay with the Board of Supervisors in that the Historical Committee was very active in the program.

Chairman Zaremba noted he had been involved in the Zweibrucken program over the past 5 ½ years, but had never been the Board's liaison to the program. He stated he was very aware of what the program was, and he was not challenging the merits of the program. Mr. Zaremba indicated he felt the School Division could handle programs best for the educational benefits of the County's students. The majority of the students who had gone to Germany were those who had been more economically well off than others, and he felt the School Division would be much more objective in making the decision about which students should go to Germany.

Mr. Wiggins stated if nothing changed other than just where the money came from, he would let the School Division handle it. If the School Division had the only say regarding student selection, he noted he would then have a problem.

Discussion followed on the application and selection process for the student exchange program.

Mr. Burgett stated he would like a foreign language to be a mandatory part of the criteria.

Mrs. Bonnie Karwac, Chairman of the York County Historical Committee, indicated that only 15 or 16 students even applied last year. She stated another factor was that the program was limited to 10th and 11th grade students, and many of them did not want to miss out on summer jobs or athletics. There were not a large number of students being excluded from consideration.

Mrs. Noll stated she felt Mrs. Karwac's point was a good one. The language teachers needed to stress the program to their students, but it boiled down to whether or not the students wanted to apply.

Chairman Zaremba indicated when an agency took ownership of a program, it would go out and sell it. He stated he wondered if the vigor to sell the program was at the same intensity as if it were a school program.

After more discussion, the Board by consensus agreed to leave the program with its current structure.

RECOGNITION POLICY FOR ACHIEVEMENTS BY SCHOOL STUDENTS

Mr. Stuck explained the long standing practice of the Board not being involved in recognizing school students. He noted that the School Division had an extensive number of recognition events for its students.

Mr. Wiggins stated he did not feel the topic would have been suggested if the boys high school team had not won the state championship.

Mr. Stuck indicated the County has had several championship teams over the past years.

Mrs. Noll suggested that the recognition should be limited to state championships.

Chairman Zaremba agreed with Mrs. Noll, but stated it should cover academic excellence as well as sports championships.

By consensus the Board agreed that it would direct the staff to prepare recognition events on a case-by-case basis as decided by the Board of Supervisors.

CHANGES TO THE FISCAL YEAR 2002 BUDGET PROCESS

Mr. Stuck reviewed the schedule for next year's budget process and stated that staff was suggesting the same process for the budget as last year. The staff was open for suggestions as to any recommended changes the Board members might have. He spoke of Board involvement in suggesting new programs or personnel in the budget process.

Mr. Burgett stated he would like to see the budget format go back to the way it was in FY98. He indicated the new budget book was useless because it was too general. Everything in the old format was open and up-front by line item.

Chairman Zaremba indicated the reason he asked for this review was because he thought the Board members needed to discuss the lessons learned and weaknesses in the process. He expressed his agreement with Mr. Burgett in terms of format.

Mrs. Noll stated she felt the budget had improved each year, and she had not had any feedback from citizens who did not like the new format. She stated the Board went to the current format because it was simplified, and it was easy for the citizens to follow.

Mr. Burgett indicated the criticism he had received of last year's budget was that people did not like it without the numbers. He stated he just felt it had been simplified too much.

Miss Rapp stated she was impressed that the County considered its budget early, and she didn't have a problem with the format one way or the other. She noted that if she had questions, she contacted Mr. McReynolds or Mrs. Kirish.

Mr. Wiggins stated he liked the way the format was before, but he understood it the way it was now.

Chairman Zaremba suggested that a comparison be done between the FY98 and the FY01 budgets to show the Board the pertinent parts of the two budget documents along with the rationale why staff preferred it one way or another. He stated if the current document was just fluff for the Board and not of utility to the staff, it wouldn't be of utility to the Board either.

Mr. Stuck explained that there had been a work session with the Board on the current format, and the Board chose this particular format. He stated at the time he recommended to the Board members that they not make a change unless they thought it was going to be useful to the public. The effort by staff was to make it more usable to the average person, and the document showed more of the policy decisions made by the Board rather than the accounting decisions. He stated that staff could certainly go back to the old document, but it would not provide the Board members with as many years of history and would not contain the charts and graphs or any explanatory information as to why the expenditures went up or down. He noted it was much easier for staff to produce the earlier version, and all the Board needed to do was decide what it wanted. Mr. Stuck stated that staff could also run the Board members a copy of the accounting document as well as the budget document.

Mrs. Noll stated the current document was more user friendly and reached more levels of understanding.

Mr. Stuck reiterated that staff could provide the Board members with copies of the accounting document as well. He stated that as an organization, the County had moved to the level seen in the current budget document which did not have as many line items as it had at one time.

Chairman Zaremba indicated he saw no problem with the current format if the staff would provide a hard copy of the accounting information.

Mrs. Noll suggested that the accounting information should also be provided to the libraries and the Information Office so that the citizens could look at it also.

ZONING ORDINANCE AMENDMENTS—TOURIST CORRIDOR MANAGEMENT (TCM) OVERLAY DISTRICT

Mr. Stuck reviewed the request to look at potential changes to the County's design and development requirements for certain corridors in the Williamsburg area.

Mrs. Noll stated she was not interested in changing the land use so much, but she felt the County needed to control the landscaping plans and the aesthetics of the buildings in that zone.

Discussion followed on a proposal for a Ripley's Believe It or Not Museum in Williamsburg and its not meeting the standards of the city's architectural review board (ARB). It was noted that the developers did not try to locate in York County or James City County after being turned down in Williamsburg.

Mr. Stuck stated the Board would have a hard time denying such a development because of the ownership if it were a permitted use in a zoning district. An architectural review board establishes a more cumbersome process, but it provides an individual architectural review of each building constructed.

Mrs. Noll stated she was leaning towards the ARB, and she would like the Board to consider the option on page 3 of the memorandum to look at amendments to the current TCM requirements to strengthen the minimal design and architectural standards currently applied to Bypass Road as well as other TCM designated corridors.

Discussion followed on the current TCM areas.

Chairman Zaremba asked what the Board needed to do to move forward on this issue.

Mr. Stuck indicated the Board needed to provide staff with an idea of which option it wished to pursue, and staff would draft a proposal to be referred to the Planning Commission. He then reviewed the options provided in the memorandum and the pros and cons of each. He suggested that the Board might want to consider a combination of the options.

Mr. Wiggins stated he would like an ARB with certain use permit requirements.

Mrs. Noll indicated the Board needed to be careful about personal property rights. She stated she felt that aesthetically the ARB was the way to go.

Mr. Stuck suggested that the Board take a look at the TCM district and the uses the Board was concerned about and decide which ones the Board wanted to go in the TCM district. The most stringent option would be to require an ARB for all uses and a use permit for uses which might have some special conditions. He stated if the Board was concerned about the aesthetics of the buildings, then the ARB was the way to go.

Chairman Zaremba asked what if the Board was concerned about what was in the buildings.

Mr. Stuck indicated the Board would then need to go to the use permit process depending on what the use was.

Chairman Zaremba asked about the timing for the amendments to the Zoning Ordinance.

Mr. Stuck stated it would take anywhere from four to nine months depending on the option chosen by the Board. He stated staff was in the process of going through the entire ordinance to make some amendments according to the Comprehensive Plan, and was looking at making things more simple and less costly for everyone involved. The staff work should be complete by December, and then the Planning Commission would review it and send it to the Board of Supervisors about April of next year. Mr. Stuck stated that staff could fold this issue into that process and come out at about the same time with all the changes.

A brief discussion was held concerning the proposed ARB for Yorktown.

Mr. Stuck indicated it was his understanding that the Board wished staff to include suggested changes in the TCM along with the overall revisions being made to the Zoning Ordinance and that changes be proposed to existing, currently permitted uses so that some might require a use permit. He stated he also understood that the Board wished to propose an architectural review board in the TCM district.

Discussion followed concerning Route 199 and why it was not designated as TCM.

Mr. Stuck stated if the Board believed the area between the Colonial Parkway and the Interstate on Route 199 should be in the TCM district, it might want to designate it as such.

Chairman Zaremba stated he felt the Board needed to relook at it to see if it needed to be added. He stated it was a very sensitive area.

Mrs. Noll indicated her agreement, stating the Board needed to remember the Fuel Farm property was there also.

INDUSTRIAL DEVELOPMENT AUTHORITY (Not on Agenda)

Mr. Wiggins stated he would like to revisit the proposal concerning the staffing of the Industrial Development Authority (IDA). He indicated the Board had spent a lot of time talking about who the staff of the IDA should report to, and he would like to see the Board place the staff under Mr. Stuck's control with no changes being made to the Authority itself. Mr. Wiggins moved that the Board direct the County Administrator to take necessary steps to move the current staff of the Industrial Development Authority from an independent staff to become a part of the County organization under the administrative guidance of the County Administrator.

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Mrs. Noll stated she remained opposed to such a move, and she felt the Board needed more dialog on the subject. She stated she felt the Board of Supervisors had made its points quite clear to the IDA and Mr. Noel at the last work session, and suggested that the issue be revisited in about six months.

Mr. Burgett indicated he supported moving the IDA staff to the County Administrator's responsibility.

Miss Rapp asked what type of control would the Board have with the IDA staff moved to the County Administrator.

Mr. Burgett stated the Board of Supervisors would become better informed about what was happening in the County regarding economic development.

Mr. Wiggins stated the County Administrator would tell the Board what was coming up and receive the Board's input.

Mrs. Noll stated if the recent problem was an isolated incident, she felt the Board should give the matter more time since the Board members had talked with the IDA and informed the members and Mr. Noel of their concerns.

Miss Rapp indicated she did not feel she had enough information on which to make any kind of decision, and stated she would like to give the matter more time.

Discussion followed concerning the Board's Rules of Procedure and whether or not they required unanimous agreement of the Board to vote at this time on Mr. Wiggins motion.

On roll call on Mr. Wiggins' motion, the vote was:

Yea:	(3)	Wiggins, Burgett, Zaremba
Nay:	(1)	Noll
Abstention:	(1)	Rapp

Mr. Stuck indicated to the Board members that there might be other actions concerning appropriations that would need to be brought to the Board regarding the above action.

REQUEST FOR COMMENTS CONCERNING PRESIDENTS PARK (Not on Agenda)

Miss Rapp noted the Board had been provided with a copy of a letter from Colonial Williamsburg to Chairman Zaremba concerning his request for Colonial Williamsburg's comments regarding the proposed Presidents Park. She asked when Mr. Zaremba had made his request.

Chairman Zaremba stated he had requested the comments about a week prior to receiving the response. He stated he felt it was a good idea to ask others for opinions, and letters are going out to them also. He stated the whole purpose was to provide the Board all the input it could get before having to make a decision on the special use permit application.

Miss Rapp stated she felt the Board should have talked about making such a request on behalf of the Board instead of one individual Board member asking for opinions on issues in which the entire Board was involved.

Chairman Zaremba stated he felt he had the prerogative as Chairman to make such a request. He stated he felt it was obvious that the Board would want to have input from the key players of the tourist industry.

Miss Rapp indicated that the request was framed according to the Chairman's philosophy and not that of the entire Board. She stated she felt some notification by Mr. Zaremba that he was sending such a request would have been appreciated.

Mrs. Noll indicated she did not remember ever asking for outside opinions such as Mr. Zaremba's request, and the letter also took her by surprise.

CLOSED MEETING. At 8:48 p.m. Mr. Burgett moved that the Board convene in Closed Meeting pursuant to Section 2.1-344(a)(5) of the Code of Virginia to discuss a prospective business or industry, or expansion of an existing business or industry, where no previous announcement has been made; and Section 2.1-344(a)(7) for consultation with legal counsel.

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba
Nay: (0)

Meeting Reconvened. At 9:25 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED SES-
SION

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 27th day of June, 2000, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Burgett, Rapp, Noll, Wiggins, Zaremba
Nay: (0)

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PRESIDENTS PARK (Not on Agenda)

At this time the Board reviewed the questions for the proposed survey regarding the Presidents Park project, as well as the filing of the appeal for the Presidents Park case. By consensus the Board agreed that it would not hold a hearing on the special use permit application until the court had entered its ruling.

Meeting Adjourned. At 9:55 p.m. Chairman Zaremba declared the meeting adjourned sine die.

Daniel M. Stuck, Clerk
York County Board of Supervisors

Walter C. Zaremba, Chairman
York County Board of Supervisors